

Applicant : Polly Steyck
Appl. No. : 10/663,015
Examiner : Junion O. Mendoza
Docket No. : 705397.53

REMARKS

In the office action dated January 21, 2009, the examiner rejected claims 1—3, 6—14, 16, 18—30, and 33—35 under 35 USC 103 as unpatentable over Thomas (USP 7134130) in view of Johnson et al. (USPA 2004/0078806) (hereinafter Thomas and Johnson) and claims 4—5 under 35 USC 103 as unpatentable over Thomas and Johnson and in further view of Gang-Sik Yoon (Korean Pub. No. 10-2000-0033070). Applicants have amended claims 1 and 23 without prejudice and to further clarify the invention. In view of the foregoing amendments and the subsequent remarks, Applicants request reconsideration and withdrawal of the examiner's rejections.

Claim Rejections – 35 USC 103

As the examiner indicates in the Office Action, Thomas fails to disclose the time range specifications and their use combined with content-based specification to monitor or control the viewing of programs on a television or other device where the system is configured to check viewing profiles of viewers viewing the television and identify content-based specifications of the viewers that correspond to a current time and comparing the time sensitive content-based specifications to the program content indicator. In an attempt to address this deficiency, the examiner asserts that Johnson fulfills this deficiency.

However, Johnson does not teach:

receiving content-based specifications corresponding to the one or more viewing profiles associated with the one or more viewers present in the viewing area and the selected time range specifications, wherein the one or more viewing profiles includes a plurality of time

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range specifications, wherein the time range specifications each corresponds individually to a separate content-based specification;

as claimed in amended claim 1, or

selecting a viewer specification corresponding to the viewer indicator, wherein the viewer specification comprises a plurality of time range specifications, each time range specification corresponding individually to a separate content-based rating specification;

as claimed in amended claim 23.

This limitation is clearly illustrated in Figures 3B, 4B and 5B and described in paragraphs 0051 through 0067 of the specification. As clearly shown in Figure 6 of Johnson, Johnson merely describes being able to select for a given user or group profile time periods during which viewing is allowed, and the same content rating for all of the viewing periods above which viewing is blocked. This differs from and teaches away from the claimed invention in two distinctive respects.

First, although Johnson may describe the ability to select more than one viewing period, the content ratings for each of the selected viewing periods are the same. As shown in Figure 6 of Johnson, during the first and second selected viewing time periods of 4pm to 8pm on weekdays and 8am to 10pm on weekends, all shows with a movie rating of PG-13 and above or TV rating of TV-14 and above are blocked. Unlike the claimed invention, Johnson does not teach or suggest a one-to-one correspondence between an individual content rating and an individual viewing time period. When compared to the limitations recited in amended claim 1 and claim 23, the time range specifications in Johnson (i.e., viewing hours on weekdays and

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viewing hours on weekends) do not each correspond individually to a separate content rating.

Instead, multiple viewing hours are lumped together with the same set of rating limits in the user profile as illustrated in Figure 6 of Johnson.

Second, if the reference or actual time is outside the selected viewing time periods, Johnson blocks all viewing. In contrast, the claimed invention allows viewing based on default settings.

In view of the foregoing, Applicants respectfully submit that Thomas and Johnson, alone or in combination do not meet or suggest all of the limitations of claims 1 and 23 and, thus, cannot establish a prima facie case of obviousness for claims 1 and 23 and dependent claims 2—14, 16, 18—22, 24—30 and 33—35.

The examiner's reliance on Yoon was solely for the purpose of its teaching reference of the storage of images of selected individuals and, thus, does not solve the deficiency noted above with regard to Thomas with regards to claim 1.

Accordingly, claims 1 and 23, and claims 2—14, 16, 18—22, 24—30 and 33—35 by virtue of their dependence upon 1 and 23, meet the requirements for patentability under 35 U.S.C. § 102 and § 103.

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CONCLUSION

Applicants respectfully assert the application is in condition for allowance. Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

Respectfully submitted,
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